

Sec. 19-1105 Applicability

Any **Except as provided below, any** subdivision of land, as defined in Article 7: Definitions, that is situated wholly or partly within the county must comply with this Ordinance. No person may subdivide land without making and recording a plat of the subdivision in accordance with the requirements of this Ordinance and the Code of Virginia. Resubdivisions, combinations, and adjustments of individual lots will follow the minor subdivision procedure.

A. Boundary Line Adjustment

A valid and enforceable boundary line agreement between different owners of adjacent parcels takes precedence over the requirements of this Ordinance so long as:

- 1. Such agreement is only used to resolve a bona fide property line dispute;**
- 2. The boundary does not move by more than 250 feet from the center of the current platted line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size;**
- 3. Such agreement does not create an additional lot, alter the existing boundaries of the County, result in greater street frontage, or interfere with a recorded easement;**
- 4. Such agreement does not result in any nonconformity with local ordinances or health department regulations; and**
- 5. Notice of such agreement is provided to the Planning Director.**

B. Court-ordered Division of Land

A division of land subject to a partition suit by virtue of an order or decree by a court of competent jurisdiction takes precedence over the requirements of this Ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements of this Ordinance or Chapter 24 of the County Code by more than 20 percent. A copy of the final order or decree must be provided to the Planning Director.

Sec. 19-2204 Staff Review and Action

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B. Decision by Planning Director

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- 3.** The applicant may request, and the Planning Director **or the County Engineer, if designated by this Ordinance,** may grant, **subject to subsections 4 and 5 below,** exceptions to the standards in Article 3: Design Standards, and Article 4: Required Improvements, if the Planning Director **or County Engineer, as appropriate,** finds that substantial hardship may result from strict compliance with those standards, and if the exception:
 - (a)** Substantially complies with the provisions of this Ordinance, does not defeat the purposes of this Ordinance, and protects the public interest;
 - (b)** Will not be detrimental to public safety, health, or welfare or injurious to surrounding property or improvements;
 - (c)** Is based only on conditions that are unique to the property, are not generally applicable to other property, and do not create mere inconvenience;
 - (d)** Is not based exclusively on financial considerations; and
 - (e)** Is the minimum exception that will relieve the hardship.

- 4. The Planning Director may approve an exception allowing double frontage lots on minor streets with right-of-way 60 feet or less in width, or stem lots that do not meet the minimum lot width and frontage requirements in Chapter 24 of the County Code, if the requirements in subsection 3 above are met and the lots comply with all other requirements of this Ordinance and Chapter 24 of the County Code.**
- 5. Exceptions from the requirements in Article 5, Division 8, Chesapeake Bay Preservation of Chapter 24 of the County Code will be granted in accordance with Sec. 24-5805 of the County Code.**

Sec. 19-2302 Preliminary Plat

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C. Preliminary Plat Procedure

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3. Staff Review and Action

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(b) Decision on the Application

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~~(3) The applicant may request, and the Planning Director may grant, subject to subsections Sec. 19-2101C(b)(4) and 0 below, exceptions to the standards in Article 3: Design Standards and Article 4: Required Improvements if the Planning Director finds that substantial hardship may result from strict compliance with those standards, and if the exception:~~

- ~~**A.** Substantially complies with the provisions of this Ordinance, does not defeat the purposes of this Ordinance, and protects the public interest;~~
- ~~**B.** Will not be detrimental to public safety, health, or welfare or injurious to surrounding property or improvements;~~
- ~~**C.** Is based only on conditions that are unique to the property, are not generally applicable to other property, and do not create mere inconvenience;~~
- ~~**D.** Is not based exclusively on financial considerations; and~~
- ~~**E.** Is the minimum exception that will relieve the hardship.~~

~~(4) The Planning Director may approve an exception allowing double frontage lots on minor streets with right-of-way 60 feet or less in width, or stem lots that do not meet the minimum lot width and frontage requirements in Chapter 24 of the County Code, if the requirements in subsection (3) above are met and the lots comply with all other requirements of this Ordinance and Chapter 24 of the County Code.~~

~~(5) Exceptions from the requirements in Article 5, Division 8, Chesapeake Bay Preservation of Chapter 24 of the County Code will be granted in accordance with Sec. 24-5805 of the County Code.~~

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Sec. 19-2303 Final Plat

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C. Final Plat Procedure

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4. Post-Decision Actions and Limitations

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(b) Clearing and Grubbing Plans

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- (4) A ~~VSMP~~ **Virginia Pollutant Discharge Elimination System (VPDES)** permit has been issued by the Virginia Department of Environmental Quality, or if no ~~VSMP~~ **VPDES** permit is required, a stormwater management (SWM) plan has been submitted to and approved by the County Engineer and Planning Director; and
- (5) **Prior to any land disturbance, a** preconstruction meeting **must** ~~be~~ **has been** conducted with the Environmental Inspector, the Developer, and the Contractor in attendance. The Planning Inspector will attend if tree protection measures are required.

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(d) Installation of Required Improvements

All on-site and off-site improvements pursuant to ~~an~~ **the** approved plans must comply with the following requirements.

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- (2) During installation, all improvements must be inspected by the department responsible for verifying their compliance with the approved ~~plan of development~~ **construction plans** and applicable county standards. The engineer, surveyor, or landscape architect of record must also inspect improvements during construction.

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- (9) **The county will install culvert pipe for private walkways or driveways without charge for labor when the applicant supplies pipe of approved material and size, not less than 16 feet in length.**

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Sec. 19-2304 Minor Subdivision

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B. Applicability

1. Approval of a minor subdivision in accordance with the procedure and standards in this section is allowed in-lieu of approval of a preliminary plat (see Sec. 19-2302), if applicable, and a final plat (see Sec. 19-2303), prior to the recording of a plat of subdivision in the Circuit Court for any of the following:

- (a) Family subdivision **that does not require construction plans**;
- (b) Division of a lot or parcel of land pursuant to a plan of development **or site plan** approved in accordance with the requirements of Chapter 24 of the County Code, if the division does not involve a new public street or an extension of an existing public street; and

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C. Minor Subdivision Procedure

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4. Post-Decision Actions and Limitations

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(b) Recordation

If the Planning Director approves the application, the Planning Director will sign the minor subdivision plat provided by the applicant in accordance with the recording medium, inscription standards, and other technical requirements specified in the Administrative Manual. The applicant may file the signed plat for recordation in the clerk's office of the Circuit Court only while the approval is valid (see Sec. 19-2304.C.4(c), Period of Validity). ~~The minor plat does not require approval of construction plans.~~

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Sec. 19-3202 Street Access

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- B.** Lots designated for use as single-family detached dwellings must not abut more than one public street except as follows:

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- 3.** Double frontage lots with front yards abutting a local street and rear yards abutting a street with a right-of-way 60 feet or less in width may be approved pursuant to ~~Sec. 19-2302C.3(b)(4)~~ **Sec. 19-2204.B.4.**

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- D.** In a townhouse development, each townhouse must have access through the development to a public street. **In the R-5A General Residence District, each buildable lot must front on a public street, a private drive, or a private walkway.**

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Sec. 19-3301 Maximum Block Length

Except as otherwise provided in Sec. 19-3302 below, the average block length for a subdivision must not exceed 800 feet, **and** the length of a single block must not exceed 1,000 feet.

Sec. 19-3302 Approval of Greater Block Length

The County Engineer may approve a block length that does not comply with the standards in Sec. 19-3301 above if topography, the presence of steep slopes or wetlands, existing limited-access streets, or other physical obstacles make it impractical to meet these standards. In addition, the Planning Director may approve a deviation from the block length requirement to accommodate parks or dedicated open space or other similar large gathering spaces.

Sec. 19-3402 Subdivision Access Points

A. Number of Access Points

- 1. Residential subdivisions must provide a minimum number of vehicular access points from the development to the street system outside the development in accordance with Table 3402: Required Access Points.

Table 3402: Required Access Points		
Minimum Number of Vehicular Access Points	Development Type and Size [1]	
	Single-Family or Duplex	Townhouse or Multifamily
1	Fewer than 50 units	Fewer than 80 82 units
2	50 units or more	80 82 units or more

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Sec. 19-3405 Private Drive Standards

A private drive serving one or more lots in a family subdivision must comply with the following standards unless the County Engineer determines that a drive that meets alternative standards would provide safe access and be no less durable:

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- D. The driving surface must be at least 18 feet wide, constructed of ~~two inches of asphalt over~~ six inches of compacted #21-A stone, or equivalent as approved by the County Engineer.

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Sec. 19-3501 Easements to be Provided

A subdivision plat must provide easements of sufficient size, at least 20 feet wide, for the installation of surface and underground utilities and **at least 16 feet wide for** surface drainage, whenever necessary to provide for utilities and drainage in the subdivision or areas beyond its boundaries.

Sec. 19-3502 Easements for Drainage Infrastructure

If a subdivision is traversed by a natural watercourse or by infrastructure installed to aid natural drainage and does not substantially change the course of water flow, the plat must provide an easement which includes the boundaries of such watercourse or infrastructure and is sufficiently wide to maintain and support needed drainage and utilities.

Sec. 19-3503 Easements for Reasonable Access to Sanitary Sewer

Easements must be provided for county sanitary sewer access to all lots within a subdivision that the Department of Public Utilities determines do not currently but are likely to have reasonable access to a county or sanitary sewer main within eight years.

Sec. 19-3601 Special Flood Hazard Areas

Any subdivision of lands in the Special Flood Hazard Area Overlay District must comply with the standards in Chapter 10 of the County Code. The limits and elevation of the Special Flood Hazard Area must be conspicuously noted and labeled on the plat and the construction plans, and a variable width drainage and utilities easement within the Special Flood Hazard Area must be granted in accordance with Division 5 above.

Sec. 19-3602 Wetlands

Any wetlands in a subdivision that are under the jurisdiction of the US Army Corps of Engineers must be conveyed to a property owners' or homeowners' association that will hold the land in common ownership. The limits of wetlands must be conspicuously noted and labeled on the construction plans. Disturbance outside of designated wetland impact areas will require approval from the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality.

Sec. 19-4107. Street Name Signs

The subdivider must erect street name signs at each highway, thoroughfare, or street intersection in a subdivision at locations approved by the County Engineer in accordance with county design standards and specifications. All required signs must be set in concrete footers.

Sec. 19-4110 Access to Private Cemetery or Graveyard

When new development is adjacent to or encompasses a private cemetery or graveyard, access must be provided by easement or **either a public** right-of-way **or a private accessway** at least 20 feet in width extending from the cemetery or graveyard to a public street. The access must be improved with an all-weather surface compatible with the new development. The proposed development must be separated from the cemetery or graveyard by a fence between 36 and 42 inches in height meeting the requirements of Chapter 24, Article 5, Division 4, Fences and Walls. In the R-5A District, the nearest residential lot must be at least 20 feet from the cemetery or graveyard.

Sec. 19-4303 Construction Requirements for Acceptance

Only streets constructed in accordance with the following requirements will be accepted into the county road system:

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E. Storm Drainage System

A stormwater drainage system **approved by the County Engineer and** adequate to serve **the area of the subdivision and** the contributing drainage area must be constructed **in accordance with county design standards and specifications.**

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Sec. 19-5302 Dimensional Standards

Within a cluster subdivision, the dimensional standards established for each zoning district in Article 3, Zoning Districts, of Chapter 24 of the County Code will apply, except as modified by Table 5402**5302**: Cluster Subdivision Dimensional Standards.

Table 5402<u>5302</u>: Cluster Subdivision Dimensional Standards				
Dimensional Standard	Zoning District			
	A-1	R-0	R-0A	R-1
Lot size, minimum (<u>square</u> feet)	20,000	20,000	17,500	12,500
Lot width, minimum (feet)	80	80	80	80
Front yard, minimum (feet)	25	25	25	25
Interior side yard, minimum (feet)	15	15	10	10
Street side yard, minimum (feet)	50	50	50	50
Rear yard, minimum (feet)	25	25	20	20

Sec. 19-5303 Conservation Area Standards

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D. Ownership and Maintenance of Conservation Areas

Conservation areas must be owned and controlled by an individual, homeowners' association, public or private organization, land trust, or corporation. Prior to approval of the final plat, a conservation easement that meets the requirements of this section must be recorded in the County's land records for each conservation area. The conservation easement must be referenced on the final plat by deed book and page number. **Conservation areas in cluster subdivisions do not necessarily comply with conservation area requirements for stormwater management.**

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Sec. 19-7301 Terms Defined

The following words, terms, and phrases, when used in this Ordinance, will have the meaning ascribed to them in this section.

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Alley

An public **accessway less than 30 feet in width, usually** designed to provide vehicular access **secondary ingress and egress** to or from the rear or side of property.

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Minor Subdivision

Any of the following (see Sec. 19-2304, Minor Subdivision):

- Family subdivision **that does not require construction plans;**

- Division of a lot or parcel of land pursuant to a plan of development approved in accordance with the requirements of Chapter 24 of the County Code, if the division does not involve a new public street or an extension of an existing public street; or
- Vacation, relocation, **resubdivision**, or other alteration of **individual lots** ~~a lot boundary line~~, if no relocation or alteration of streets, alleys, easements for public passage **or public utilities**, or other public areas is involved.

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Street

A highway, street, avenue, boulevard, road, lane ~~or alley~~, or any public way **with a right-of-way 30 feet or more in width**.

Subdivision

A division of a lot or parcel of land situated wholly or partly within the county that (1) divides the lot or parcel of land into two or more lots or parcels for the purpose of transferring ownership or building development, or (2) involves a new street or an extension of an existing street, except for a **Minor Subdivision or a** division of land ordered by a court.